

Date: May 9, 2014

To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Marvin G. Williams, Director of Public Works
Subject: License Agreement with Church and Main Associates, LLC

Executive Summary

Church and Main Associates, LLC proposes to install and maintain balconies projecting into East Main Street (see attached map). A license agreement is required when private features, such as balconies, are installed within the City's maintained right-of-way. Pursuant to Section 62-56 of the City of Durham Code of Ordinances, Church and Main Associates, LLC seeks approval of the License Agreement from City Council.

Recommendation

The Department of Public Works recommends that the City Council authorize the City Manager to enter into a license agreement with Church and Main Associates, LLC.

Background

Church and Main Associates, LLC proposes to install and maintain balconies projecting into the right-of-way at 126 and 130 East Main Street (see attached map). Per Section 62-56: "Sidewalks, curbs, gutters, street paving for private interests – Excavations, permits, licenses, and franchises" of the City of Durham Code of Ordinances, a license agreement is required when privately owned and/or maintained features, such as balconies, are proposed to be installed within the City's maintained right-of-way.

Church and Main, LLC's project consists of a five-story building with retail, residential, and structured parking. The project was reviewed and approved by City staff as Site Plan D1300236. Balconies are proposed on the second, third, fourth, and fifth floors of the building (two balconies on each floor). The balconies will project approximately 4 feet into Main Street (see attached exhibit).

Issues/Analysis

Any feature in the right-of-way has the potential to pose a hazard to the public, and to increase liability to the licensee. To the maximum extent allowed by law, Licensee shall indemnify and save harmless Indemnities from and against all Charges that arise in any manner from, in connection with, or out of this license as a result of acts or omissions of Licensee or subcontractors or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable.

Alternatives

City Council can choose not to approve the request.

Financial Impact

The Licensee will assume the cost of installation, maintenance, and repair, including the cost of repairs to the street and pavement associated with the installation, maintenance, and repair of the balconies.

SDBE Summary

The SDBE Summary is not applicable for this update.